

[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

*EQC commissioners review children's environmental health issues at a forum in Louisville. Left to right - Gordon Garner, Betsy Bennett, Patty Wallace, Lindell Ormsbee. Not pictured Gary Revlett.*

## Gov. Fletcher Announces EQC Appointments

Governor Ernie Fletcher has appointed two commissioners to the Environmental Quality Commission.

**Eugene A. Zick** of Russellville replaces Jean Dorton, who resigned from the commission to take a position with the Environmental and Public Protection Cabinet. Zick, a retired manager at Logan Aluminum, has more than 40 years of experience in the engineering and manufacturing fields. He was instrumental in creating, developing and promoting the

first constructed industrial wetlands for the treatment of wastewater while he was a manager at Logan Aluminum. The project received national recognition from the U.S. Environmental Protection Agency (EPA) with a "Take Pride in America" award. Zick was also recognized by the state for his outstanding environmental achievements. He holds a bachelor's degree in industrial management and engineering and a master's in management from Fairleigh Dickinson University.

**Laura M. Knoth** of Grand Rivers, replaces EQC Chairwoman Aloma Dew of Owensboro, whose term expired. Laura Knoth has worked 14 years as a lobbyist with the Kentucky Farm Bureau and now serves as its director of public affairs. Knoth owns a 52-acre farm in Livingston County and received her bachelor's degree in agriculture from the University of Kentucky.

Both Zick and Knoth will serve until Jan. 1, 2008.

## EQC Expresses Views on State NSR and Noncoal Rules

The EQC issued recommendations at its May 17 public meeting in response to the state's proposed amendments to its air quality and noncoal regulations.

**New Source Review.** Congress established the New Source Review (NSR) permitting program as part of the 1977 Clean Air Act Amendments. The NSR program requires new plants, or old plants that make significant modifications, to: (1) obtain a permit, (2) install modern pollution control equipment, and (3) perform an air quality analysis. On June 13, 2002, the U.S. EPA released a *Report to the President*, describing the need to reform that part of the Clean Air Act regulating emissions from new or substantially modified factories and power plants. EPA followed the report with seven reform recommendations and issued proposed rules that generated some 225,000 comments making it one of the more controversial rule changes in recent years. At issue is the EPA proposed new rule that would allow plant owners to make upgrades worth up to 20 percent of a plant's value without

[Continued page 9.....see NSR-Noncoal State Rules](#)

## In this Issue:

[State amends fish advisory](#)  
page 2

[Power Plant proposed in Irvine](#)  
page 4

[Bluegrass Army Depot plan to improve safety for storing sarin and permit to store heavy metals](#)  
page 5

[State proposes rules to clarify boil water advisores](#)  
page 6

[EQC Indicator Mercury in Fish](#)  
page 7

[EQC Aug. 18 public meeting to focus on improving public participation](#)  
page 10

### EQC Commissioners:

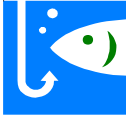
Lindell Ormsbee, *Chair Lexington*  
Betsy Bennett, *Vice-Chair Louisville*  
Patty Wallace, *Louisville*  
Gary Revlett, *Shelbyville*  
Gordon Garner, *Prospect*  
Eugene Zick, *Russellville*  
Laura Knoth, *Grand Rivers*

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[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## STATE NEWS



### Mud River State Fish Consumption Advisory Amended

State officials in Kentucky have amended a fish consumption advisory for the Mud River and Town Branch in Logan, Butler and Muhlenberg counties which has been in effect since 1999. The revised advisory allows a more generous consumption rate for many fish in the watershed.

The following are the consumption precautions have been recommended.

**Town Branch** - No type of fish should be consumed from any area of Town Branch.

**Mud River from Hancock Lake Dam to Wolf Lick Creek** - Bottom-feeding fish, such as catfish, carp, suckers and drum should not be eaten. Game fish, such as bass, sunfish and crappie, may be eaten, but not more than once a month. Women of childbearing age and children should only eat six meals per year of the game fish.

**Mud River from Wolf Lick Creek to the Green River** - No more than one meal per month should be eaten of bottom-feeding fish. Game fish should not be eaten more than once a week. Children and women of childbearing age should eat no more than six meals per year of bottom-feeding fish and one meal per month of game fish.

Fish in Mud River and Town Branch were contaminated by polychlorinated biphenyls (PCBs). The PCBs were discharged in the 1970s into Town Branch of the Mud River by Rockwell International, a Russellville aluminum die-casting plant. The plant was sold to BTR Precision Die Casting Inc. in 1989. Rockwell has spent millions of dollars cleaning up PCB contamination in Town Branch, the plant site and other areas. To view current fish advisories in Kentucky see <http://www.water.ky.gov/sw/advisories/fish.htm>. Related article [page 7](#).



### Kentucky State Parks Bans Smoking in Public Areas

Most indoor public areas in state parks have become nonsmoking. A new policy that went into effect June 1 means that smoking will only be permitted in certain guest rooms and cottages. "If we want to attract more visitors, we have to provide a pleasant environment for our guests," Parks Commissioner George Ward said. "Unfortunately, many of our dining rooms, in particular, have open floor plans, so it is impossible to provide a separate area for smoking. Consequently, we regularly receive complaints from nonsmokers exposed to secondhand smoke," Ward commented. Secondhand smoke also is a potential health hazard to employees and increases cleaning costs for drapes, carpet and the like, Ward pointed out.

### Kentucky Seeks Public Input on Drinking Water Projects



Almost \$60 million dollars is available for low interest loans for construction of drinking water projects in Kentucky, and the state wants the public's comments on a draft plan to use that money. The money is part of the Kentucky Drinking Water State Revolving Fund, a program created by the federal Safe Drinking Water Act Amendments of 1996. Kentucky has developed a plan for how the money will be provided to public water systems. Public involvement is required before Kentucky receives federal approval to use the funds. To view the Kentucky Intended Use Plan for the 2005 DWSRF see [www.water.ky.gov/publicassistance/funding/dwsrf/](http://www.water.ky.gov/publicassistance/funding/dwsrf/) Comments due July 21. **A public hearing will be held on July 21 in Frankfort.** Contact Donna Marlin at (502)564-3410 at the Ky. Division of Water.

### Kentucky Receives Federal Brownfield Grant



The Ky. Division of Waste Management has been awarded a federal EPA \$616,400 brownfield grant for the fiscal year that begins Oct. 1, 2004. The grant will provide assistance in (1) conducting environmental site assessments of up to three properties that are abandoned or publicly owned, (2) working with area development districts to create a "Hot Brown List" to identify those state superfund sites that are currently idle but suitable for redevelopment (3) improving the state system for tracking institutional controls, and (4) conducting outreach activities to local governments. Contact: Herb Petitjean, (502) 564-6716, e-mail [Herb.Petitjean@ky.gov](mailto:Herb.Petitjean@ky.gov)

[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## CONFERENCE CALENDAR

**July 13-14 - Kentucky Air Quality Roundtable.** 200 Mero St., 1st Floor Conference Room, Frankfort. *Contact:* Bernadette S. Dupont, Federal Highway Administration, (502) 223-6729, e-mail: [Bernadette.Dupont@fhwa.dot.gov](mailto:Bernadette.Dupont@fhwa.dot.gov) or see <http://www.fhwa.dot.gov/kydiv/conf.htm>

**July 18-20 - 61st Annual Convention of the Kentucky Conservation Districts.** Hyatt Regency, Lexington. *Contact:* Steve Coleman, (502) 564-9195, e-mail [steve.coleman@ky.gov](mailto:steve.coleman@ky.gov).

**July 27-28 - The 2004 Kentucky Watershed Roundtable -- Building Healthy Watersheds.** Holiday Inn North, Lexington. *Contact:* Judy Petersen, (270) 524-1774, e-mail [Director@KWAlliance.org](mailto:Director@KWAlliance.org) or see [www.KWAlliance.org](http://www.KWAlliance.org)

**Aug. 25 - Current and Future Community Land Development -- Preservation and Conservation Trends in Kentucky.** Hyatt Regency, Lexington. *Contact:* (715) 833-3959 or see [www.lorman.com](http://www.lorman.com)

**Aug. 4-6 - Fundamentals of Watershed Assessment and Restoration.** Bernheim Arboretum, Clermont. *Contact:* Dana Kahn, (502) 852-4567, e-mail [dkahn01@wise.louisville.edu](mailto:dkahn01@wise.louisville.edu)

**Aug. 26-28 - Healing the Earth, Healing Ourselves -- Mountain Herb Festival.** Confluence, Leslie County. *Contact:* Mountain Tradition Education Project, (606) 672-6444, e-mail [lindasmetisroots@yahoo.com](mailto:lindasmetisroots@yahoo.com) or see <http://geocities.com/beyondyonderd/festival>

**Aug. 30-Sept. 1 - Ky. Rural Water Association 25th Technical Conference & Exhibition -- Past, Present, Future.** Galt House East, Louisville. *Contact:* Ky. Rural Water Association, (270) 843-2291 or register on-line at [www.krwa.org](http://www.krwa.org)

**Sept. 10-12 - Kentucky Association for Environmental Education Conference -- Biodiversity: Exploring Kentucky's Spectacular Nature!** Blackacre Nature Preserve and Louisville Zoo. *Contact:* (859) 586-7903 or see [www.kaee.org](http://www.kaee.org)

**Sept. 28-29 - 11th Ky. GIS Conference -- Mapping Kentucky's Future.** Radison Hotel, Lexington. *Contact:* (502) 573-1450, or see <http://ogi.ky.gov/2004conference.htm>

**Oct. 3-6 - 4th Eastern Native Grass Conference.** Sheraton Four Points, Lexington. *Contact:* Thomas Barnes, (859) 257-8633, or see [http://forestry2.ca.uky.edu/grass\\_symposium/](http://forestry2.ca.uky.edu/grass_symposium/)



### Kentucky Firewise Workshops

To learn how you can protect your home and community from wildfires, the public is invited to attend a free Firewise Community Workshop. The goals of the workshops are to educate citizens and communities on the risks of wildland fire and how to reduce those risks. Information about grant funding for communities will also be provided. *Contact:* Jennifer Turner, (502) 564-3080.

**July 14-15 -** Blue Licks Battlefield State Resort Park

**Aug. 10-11 -** Lake Barkley State Resort Park

**Aug. 24-25 -** Kenlake State Resort Park

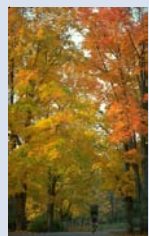
**Sept. 21-22 -** Kentucky Dam Village State Resort Park

**July 27-28 -** Pennyrile Forest State Resort Park

**Aug. 18-19 -** Lake Cumberland State Resort Park

**Sept. 1-2 -** Dale Hollow Lake State Resort Park

### Forest Study Workshop - August 25-29 - Pine Mountain Settlement School



Pine Mountain Settlement School will offer a four-day forest study class entitled, "In the Footsteps of Luch Braun," on Aug. 25-29. Lucy Braun was among the foremost ecologist and botanist of the 20th century. The workshop will feature field trips to Blanton Forest, Bad Branch State Nature Preserve, Pine Mountain, Black Mountain, and Lilley Cornett woods. The cost of the workshop is \$250 which includes meals and lodging. Pine Mountain Settlement School is located on the northern slope of Pine Mountain in Harlan County. *For more information or to register call (606) 558-3571 or e-mail [pinemountain@earthlink.net](mailto:pinemountain@earthlink.net).*



[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## PUBLIC NOTICES/HEARINGS - PERMITS

This listing is not official. Contact the various divisions for more information about these and other permits open for public comment.

### Ky. Division of Water - KPDES Water Discharge Notices/Hearings



Contact Ann Workman, (502) 564-3410 or see <http://www.water.ky.gov/publicassistance/notices>

•**City of Hillville Sewer Use Ordinance** (Jefferson Co.) - The sewer use ordinance includes the use of the municipal sanitary sewage collection and treatment system, setting policy, definitions, rules and regulations, controlling private wastewater disposal, governing the building of sewers and connections, pollutant discharge limits, pretreatment program administration, establishing the right for the city to charges fees, authority of inspectors and procedures for enforcement and penalties. Comments due by July 26.

•**New Horizons Coal Inc.** (Harlan Co.) - Drainage from an underground mine, preparation plant, refuse disposal area and other associated areas that enters Turtle Creek. Comments due by July 19.

•**Cumberland Harlan Restoration Corporation** (Bell Co.) - Discharge of dewatering wastewater from an abandoned coal mine that enters the Left Fork of Straight Creek. Comments due by July 19.

### Ky. Division of Waste Management - Solid Waste Notices/Hearings



Contact: Ron Gruzsky, (502) 564-6716, or see <http://www.waste.ky.gov/news>

•**ISP Chemicals**, Calvert City (Marshall Co.) - Approval of a groundwater assessment report for a residual landfill that indicates selenium concentrations do not exceed the MCL and nitrate levels that exceed the MCL originate from offsite sources. Comments due by July 23.

•**Valley View Landfill**, Sulphur (Trimble Co.) - Draft construction/operation permit to expand solid waste disposal area horizontally by 84 acres and vertically over portions of existing waste disposal areas. Comments due July 9.

•**Green Valley Landfill**, Rush (Greenup Co.) - Draft construction/operation permit to expand solid waste disposal area horizontally by 100.23 acres. Comments due July 23.

•**Benson Valley Landfill**, Frankfort (Franklin Co.) - Draft construction/operation permit to expand solid waste disposal area horizontally by 96.57 acres. Comments due Aug. 3.

### Underground Storage Tank Notices/Hearings

Contact: Vicki Mitchell, (502) 564-6716, or see <http://www.waste.ky.gov/news>

--Technical review of a corrective action plan to clean up gasoline contamination from the soil and groundwater

•**Mac's**, 11720 Shelbyville Rd., Louisville (Jefferson Co.)

•**Albin's Used Cars Inc.** 4124 S. 3rd St., Louisville (Jefferson Co.)

•**St. Andrews Sunoco**, 7746 St. Andrews Church Rd, Louisville (Jefferson Co.) -

--Technical review of a corrective action plan to clean up gasoline contamination from the soil.

•**Daniel's Grocery**, Rt. 581, Tutor Key (Johnson Co.)

--Technical review of a corrective action plan to clean up gasoline contamination from groundwater.

•**The Pantry**, 2298 South Main St., Madisonville (Hopkins Co.)

--Approve corrective action plan to use soil vapor extraction and bioventing to clean up hydrocarbon contamination from the soil.

•**Falls City Business Center**, 2042 and 3052 W. Broadway, Louisville (Jefferson Co.)

### Kentucky State Board on Electric Generation and Transmission Siting



See [http://psc.ky.gov/agencies/psc/siting\\_board/merchant.htm](http://psc.ky.gov/agencies/psc/siting_board/merchant.htm)

•**Estill Energy Partners LLC**, Irvine (Estill Co.) - Has applied to build a 110-megawatt plant on a site near Irvine. The plant would be located on 28 acres of a 505-acre site previously used for coal preparation and would burn waste coal now stockpiled at the site. Deadline for comments is July 14.

[Continue viewing Public Notices](#)

[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## PUBLIC NOTICES/HEARINGS - PERMITS

This listing is not official. Contact the various divisions for more information about these and other permits open for public comment.

### Ky. Division of Waste Management - Hazardous Waste Notices/Hearings



Contact: Mary Ann Goins, (502) 564-6716, or see <http://www.waste.ky.gov/news>

•**Bluegrass Army Depot**, Richmond (Madison Co.) - Tentative decision to issue a permit for a hazardous waste storage facility to store spent heavy metals, paint waste and reactive wastes generated on site or occasionally from other military installations in two igloos and will expire in 10 years. The wastes do not include chemical munitions which will be permitted separately. Comments due July 13. **A public hearing will be held July 13** at the Carl D. Perkins Conference Center on the ECU Campus at 5:30 p.m. on July 13. Contact: Mike Welch, (502) 564-6716, ext. 246, or e-mail [Mike.Welch@ky.gov](mailto:Mike.Welch@ky.gov)

•**Bluegrass Army Depot**, Richmond (Madison Co.) - Work plan to improve the safety of a one-ton container holding the chemical nerve agent Sarin. In addition, the plan requests permission to pull a small sample from the container to be used in studies to prepare for future destruction of the contents. Public comments due by Aug. 10. Contact: Mike Welch, (502) 564-6716, ext. 246, or e-mail [Mike.Welch@ky.gov](mailto:Mike.Welch@ky.gov).

**BF Goodrich Industrial Complex**, Calvert City (Marshall Co.) - RCRA post closure permit modification changing the definition of "area of concern" to having evidence of a release of a hazardous waste or constituent which is not from a solid waste management unit and poses a current or potential threat to human health or the environment.

### Ky. Division for Air Quality Permit Notices



Contact: George Day, (502) 573-3382.

--Conditional major source construction/operating permit (Title V does not apply).

- DAI, LLC**, Walton (Boone Co.)
- TransKentucky Transportation Railroad**, Paris (Bourbon Co.)
- Trim Masters**, Harrodsburg (Mercer Co.)

--Title V operating permit.

- Swedish Match**, Owensboro (Daviess Co.)
- Tokico, Inc.**, Berea (Madison)

--Significant revision to a Title V Source.

- Trus Joist**, Chavies (Perry Co.)

--Renew conditional major permit.

- Leggett Partners**, Winchester (Clark Co.)
- Sargent & Greenleaf**, Nicholasville (Jessamine Co.)

--Significant permit revision at a conditional major source (restricts operation so Title V regulations do not apply)

- Leggett Partners**, Winchester (Clark Co.)

--Renew Title V permit.

- Henderson Municipal Power and Light**, Henderson
- Quik-Pik, Inc.**, Georgetown (Scott Co.)

### Ky. Transportation Cabinet Public Notices/Hearings



To view these announcements visit <http://roadprojects.ky.gov/>

•**Reconstruction from I-64 to US 60 at Simpsonville (District 5)** - Public meeting July 28, 6 p.m., Simpsonville Community Gym, 104 Veechdale Rd., Simpsonville.

•**Reconstruction of 12th St. in Covington from I-75 to Scott St. (District 6)** - Public meeting July 14, 5 p.m., John Carlisle Elementary, 910 Holman St., Covington (environmental assessment complete).

•**Corps of Engineer reconstruction at Yatesville Lake and US 23** - Public meeting July 15, 5 p.m., at Lawrence County Maintenance Facility.

[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## STATE REGULATIONS

### Drinking Water Quality

**401 KAR 8:010. Definitions for 401 KAR Chapter 8.**

**401 KAR 8:020. Public and semipublic water supplies - general provisions.**

**401 KAR 8:070. Public notification.**

**401 KAR 8:075. Consumer confidence reports.**

**401 KAR 8:150. Disinfection, filtration, and recycling.**

**401 KAR 8:300. Lead and copper.**

**401 KAR 8:441. Repeal of 401 KAR 8:440.**

**401 KAR 8:700. Bottled water.**

The proposed amendments adopt federal changes for public and semipublic water systems. Amendments include clarifying state boil water requirements to reduce the number of unnecessary boil water advisories, notification of the public regarding drinking water violations, content and distribution of consumer confidence reports, requirements for recycling backwash water from the treatment process, reduction of lead and copper monitoring and clarification of requirements for bottled water systems. To view the regulations see <http://www.water.ky.gov/statutes/Administrative+Regulations.htm> or contact: Donna Marlin, (502) 564-3410, ext. 541.

## GRANTS AND FUNDING OPPORTUNITIES

**Northern Kentucky Stream Corridor Restoration Fund** - Stream restoration project funds are available in Boone, Campbell, Kenton and adjacent counties. Projects of 1,000 feet or more in stream length and in the upper portion of watersheds are priority sites. Landowners will be paid 100 percent of the project cost and must be willing to allow permanent protection such as conservation easements, deed restriction or similar written agreement. Contact: Scott Fennell, Northern Kentucky University, (859) 572-7588, e-mail [fennells@nku.edu](mailto:fennells@nku.edu).

## FEDERAL NOTICES/INFORMATION

**OSM Denies Approval of Transfer of Bond Pool Fund** - The federal Office of Surface Mining has denied an amendment to the Kentucky Surface Mining Program to transfer \$3.8 million from the Kentucky Bond Pool Fund to the Commonwealth General Fund for fiscal year 2002-03 finding the transfer of funds not consistent with federal law noting it "seriously jeopardizes Kentucky's ability to provide for the completion of reclamation plans as required by federal regulations." The OSM has called for a plan to replenish the \$3.8 million into the fund. Contact: William Kovacic, Office of Surface Mining, (859) 260-8400, e-mail [bkovacic@osmre.gov](mailto:bkovacic@osmre.gov)

**U.S. Forest Service Workshops on the Daniel Boone National Forest "Limits of Acceptable Change" for the Red River Gorge** - A series of workshops will be held to address the impacts of public use and to preserve the environmental setting and resources for future recreational use in the Gorge. The Aug. 7 workshop will be a field trip in the Red River Gorge from 10 a.m to 1 p.m. Contact: (859) 745-3158, or see <http://www.southernregion.fs.fed.us/boone/lac/>

**Critical Habitat Designated for Braun's Rock-cress** - The U.S. Fish and Wildlife Service is designating critical habitat for Braun's rock-cress under the Endangered Species Act including 1,600 acres in Franklin and Owen counties. Contact: Timothy Merritt, (913) 528-6481, ext. 211 or see the rule at <http://cookeville.fws.gov>

**2002 Toxic Release Inventory (TRI) Released** - The EPA has released its 2002 report on the amount of toxic chemicals released into the environment. The report covers nearly 650 chemicals. People can easily identify local facilities and chemical releases with the TRI explorer mapping tool. See <http://www.epa.gov/triexplorer/>

[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## EQC ENVIRONMENTAL INDICATOR PROGRAM

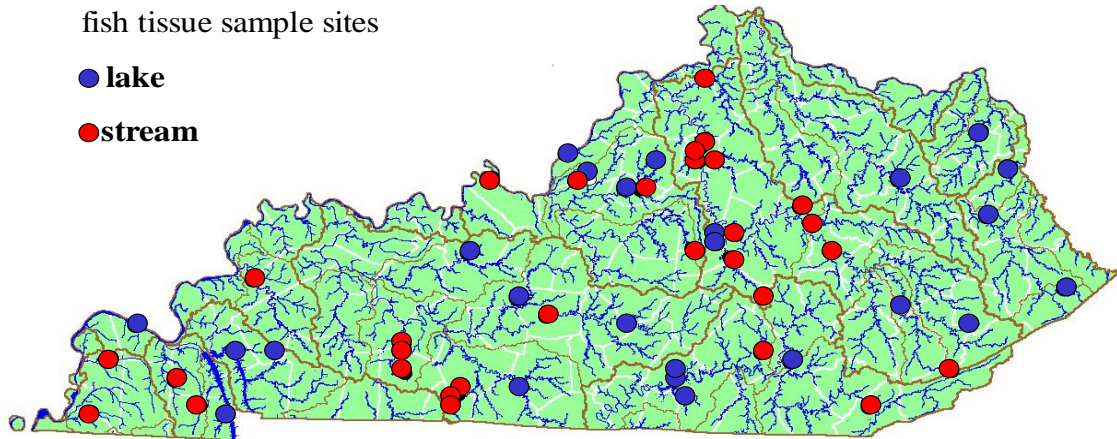
Reporting on environmental trends and conditions in Kentucky

### Sites with Elevated Levels of Mercury in Fish Tissue\* (1995-2001)

fish tissue sample sites

● lake

● stream



\* Above 0.1 mg/Kg in fish tissue. Source: Kentucky Division of Water

### July/August EQC Indicator -- Mercury in Fish Tissue in Kentucky

The Kentucky Division of Water has been analyzing fish tissue data for mercury since 1995. During the past eight years, the division has assessed 157 fish samples taken in 27 lakes and 126 samples collected from 48 streams and rivers. The data shows that elevated mercury levels in fish are scattered across the state. Of the 27 lakes sampled, 66 percent (18 lakes) had average fish methylmercury levels within the EPA consumption advisory limit of 0.12 mg/kg and 30 percent (eight lakes), including Lake Cumberland, had maximum mercury levels above the EPA maximum advisable concentrations of 0.3 mg/kg.

For most people, the risk from mercury by eating fish and shellfish is not a health concern. Yet, some fish and shellfish contain higher levels of mercury that may harm an unborn baby or young child's developing nervous system. The risks from mercury in fish and shellfish depend on the amount of fish and shellfish eaten and the levels of mercury in the fish and shellfish. Therefore, the EPA is advising women who are or may become pregnant, nursing mothers, and young children to avoid some types of fish and to eat fish and shellfish that are lower in mercury. When pregnant women consume contaminated fish, the mercury passes through the placental barrier to the developing fetus.<sup>1</sup> For this reason, women of childbearing age are encouraged to be especially careful to follow consumption advice, even if they are not pregnant, since mercury builds up in the body. In addition, nursing mothers can pass methylmercury to the child through breast milk. According to the Centers for Disease Control, about 5 percent of women of childbearing age in the U.S. have levels of mercury in their blood at or exceeding the safety level for fetal exposure.<sup>2</sup> An additional 5 percent were just below the threshold. The National Research Council issued a report estimating that as many as 60,000 U.S. newborns a year are now at risk for adverse neurodevelopmental effects from dietary mercury.<sup>3</sup>

Forty-six states have issued fish consumption advisories.<sup>4</sup> Almost 75 percent of the advisories have been issued at least in part because of mercury contamination. Approximately 95,000 lakes and 544,000 river miles are under advisory as well as all the Great Lakes and their connecting waters.<sup>5</sup> Kentucky is one of 15 states that has issued a statewide fish consumption advisory due to unsafe levels of mercury, in effect since 2000. For more information

[Continued page 8 .....see Mercury in Fish](#)



[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## EQC ENVIRONMENTAL INDICATOR PROGRAM

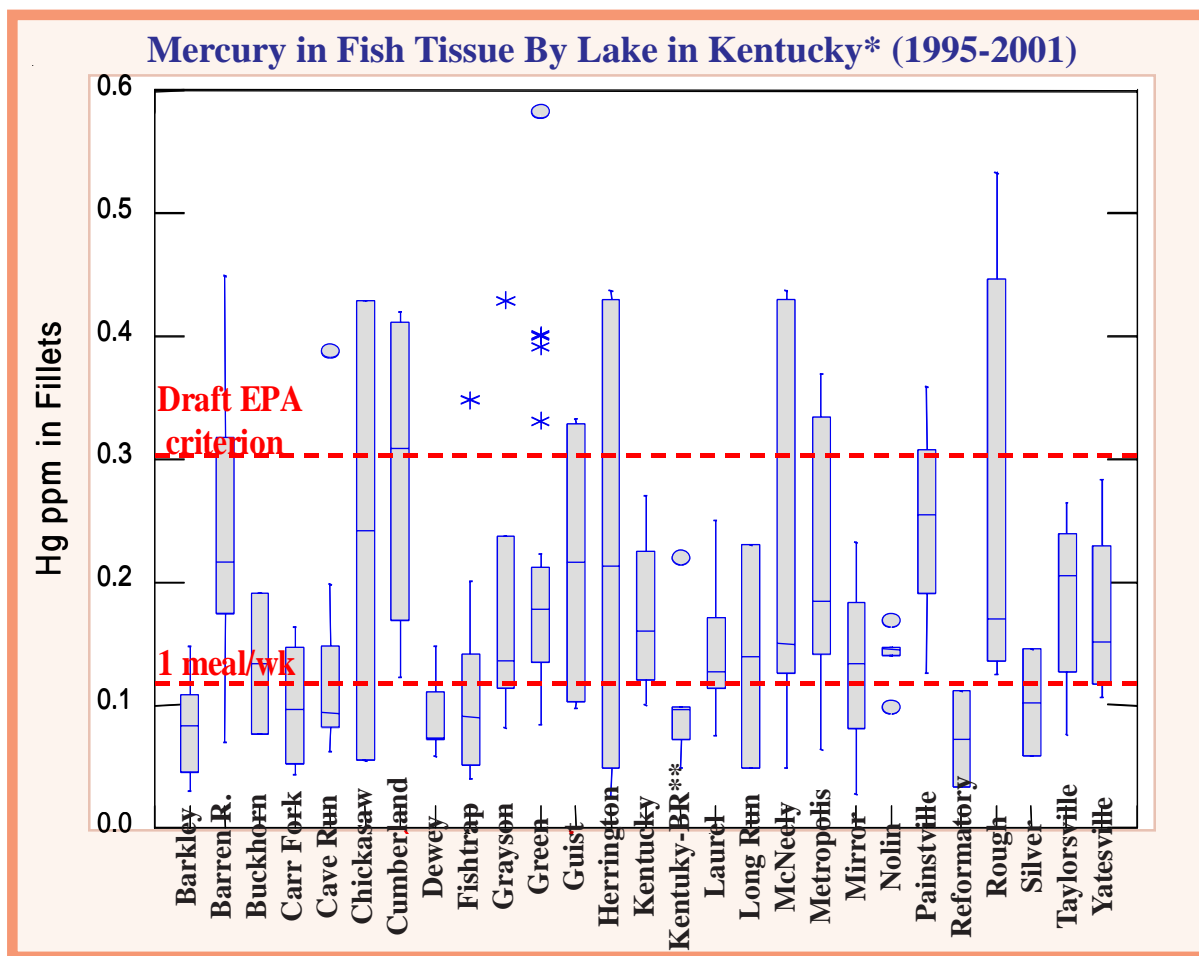
Reporting on environmental trends and conditions in Kentucky

### Mercury in Fish...continued from page 7

about mercury fish advisories see <http://www.epa.gov/waterscience/fishadvice/advice.html>

#### Footnotes

1. Mercury Study Report to Congress, 1997. U.S. Environmental Protection Agency. <http://www.epa.gov/oar/mercury.html>
2. U.S. Environmental Protection Agency. [http://www.epa.gov/newsroom/headline\\_022403.htm](http://www.epa.gov/newsroom/headline_022403.htm)
3. National Academy of Sciences. <http://www.nap.edu/books/0309071402/html/>.
4. U.S. Environmental Protection Agency, Fish Consumption Advisories. <http://www.epa.gov/ost/fish/>.
5. Cincinnati Enquirer. Report puts Kentucky/Ohio high on mercury list. June 14, 2003. [http://www.enquirer.com/editions/2003/06/14/loc\\_mercury14.html](http://www.enquirer.com/editions/2003/06/14/loc_mercury14.html)



Note: Hg ppm - mercury parts per million. 1 meal week - 0.12 mg/kg EPA/FDA fish consumption advisories level for mercury. Draft EPA criterion level of 0.3 mg/kg for the maximum advisable concentration of methylmercury in noncommercial fish and shellfish tissue to protect the general population. \*Levels of mercury in lake fish in Kentucky as tested by the Division of Water. The data is presented by lake for the maximum, median and minimum mercury values detected in fish tissue. \*\*Kentucky Lake-Blood River embayment. Source: Ky. Division of Water



[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## EQC ACTIVITIES

### State NSR-Noncoal Proposed Rules... *continued from page 1*

installing new air-pollution controls. A \$500 million coal or natural gas-fired power plant, for example, could replace up to \$100 million in boilers yearly without adding new smog controls. The EPA's hope is that by increasing the efficiency of older power plants more power can be produced more cheaply. Plants still must abide by state and federal air-pollution laws, so there will not be an increase in smog, according to EPA. Critics say the air will become dirtier because many plants that now pollute less than is permitted will be allowed to increase their emissions of particulates, sulfur dioxide and nitrogen oxides by not having to improve their equipment.

A coalition of 14 states and others challenged the legality of the EPA equipment replacement rule in court. On Dec. 24, 2003, the U.S. Court of Appeals for the District of Columbia Circuit stayed the equipment replacement rule pending further review. On June 30, 2004, the EPA granted a request to reconsider certain aspects of the equipment replacement provision. This action opens a public comment period allowing further public input on certain aspects of the NSR program.

### EQC NSR Recommendations

The commission made several recommendations at its May 17 public meeting in response to the Division for Air Quality's proposed NSR amendments to 405 KAR 51:001, 51:017 and 51:052 as follows:

1. *The Ky. Division for Air Quality strengthen its public participation and outreach efforts to better notify the public of NSR and other permit applications and public notices to provide greater opportunities for public input.*
2. *The Ky. Division for Air Quality strengthen its public participation and outreach efforts concerning future proposed rule changes to include offering workshops or informational meetings to citizen groups on proposed regulations and amendments to facilitate understanding and more informed input.*
3. *The Ky. Division of Air Quality closely monitor the current legal challenges to federal regulations pending before the United States Court of Appeals, District of Columbia Circuit which provide basis for 401 KAR 51:001, 51:017 and 51:052.*
4. *The Ky. Division of Air Quality monitor the impacts of its proposed changes to the NSR program and report back to EQC in 6 months.*
5. *The Ky. Division for Air Quality not move forward with the adoption of the U.S. EPA's New Source Review rules as issued on Aug 27, 2003 (Oct. 27 Federal Register Volume 68, No. 207, pages 61248-61280) due to legal challenges and a stay on the equipment replacement rule issued on Dec. 24, 2003 by the U.S. Court of Appeals for the District of Columbia Circuit pending further review.*



### Kentucky Noncoal Mining Regulations

EQC also considered revisions to the state's noncoal regulations 405 KAR 5:002, 5:032, 5:036, 5:042, 5:048, 5:062, 5:078 and 5:082 at its May 17 public meeting. The proposed regulations replace those that expired earlier this year after an unsuccessful attempt by the Ky. Department of Surface Mining to strengthen the rules. The proposed noncoal regulations restore the original 1995 regulations.

### EQC Noncoal Mining Recommendations

EQC approved the regulations with the recommendation that:

*The Environmental and Public Protection Cabinet (EPPC) convene a work group of regulatory, industry, citizen and university officials to strengthen the noncoal regulations in the areas of reclamation, enforcement, bonding and replacement of affected water supply that is protective of the environment, public health and provides for the continued development of the noncoal economic sector.*

The EPPC has since indicated that it will convene such a workgroup.

[Calendar](#)[Public Notices](#)[Proposed Regulations](#)[State News](#)[EQC Activities](#)

## Environmental Quality Commission Public Meeting

### **Promoting Public Participation and Partnerships in State Environmental Decision-making**

**August 18, 2004**

**Room 113, Capitol Annex, Frankfort**

During 2004, EQC is focusing on a number of opportunities to improve state environmental decision-making in Kentucky. Among the items under review are:

- ◆ Promoting public participation and partnerships in decision-making,
- ◆ Moving toward a focus on environmental outcomes and program performance measures, and
- ◆ Strengthening the role of science and collaborative research to improve environmental management and decision-making.

Public participation has become a standard component of environmental decision-making processes in Kentucky. Frequently used methods of public involvement, such as public comments and hearings, however, are often reactive in nature, involve insufficient deliberation and engage only a small number of participants. At this meeting EQC will explore opportunities to provide people with a more direct and meaningful voice in environmental issues that affect them.

**1 p.m. Open Meeting**

**1:05 p.m. Strengthening Public Participation in Environmental Decision-making**

- Art Williams, Director, Jefferson County Air Pollution Control District
- Tom FitzGerald, Director, Kentucky Resources Council
- Lloyd Cress, Commissioner, Department for Environmental Protection
- Susan Bush, Commissioner, Department for Natural Resources

**3 p.m. Regulatory Review**

- Ky. Division of Water - Drinking Water proposed regulations ([see page 6](#))

**3:15 p.m. Other Business**

**3:30 p.m. Adjourn**

*All EQC meetings are free and open to the public. The public is encouraged to attend EQC meetings and offer comments. Visit the EQC Web site at [www.eqc.ky.gov](http://www.eqc.ky.gov) for agenda updates. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters and other services will be provided upon request by contacting EQC.*

*The Environmental Quality Commission is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions. The Environmental Quality Commission welcomes your input.*

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